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**OCT 19 2004 REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/942,935
Filing Date	August 31, 2001
Examiner Name	Kathleen Kerr
First Named Inventor	Brigette BATHE
Group Art Unit	1652
Attorney Docket Number	32301 WN 216

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____. (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

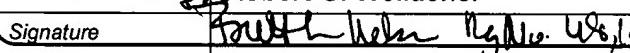
2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 02-4300.
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$900 is enclosed (\$790 RCE Filing Fee + \$110 (1) mo. extension fee).
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Robert G. Weilacher	Registration No. (Attorney/Agent)	20,531
Signature			

CERTIFICATE OF MAILING OR TRANSMISSION

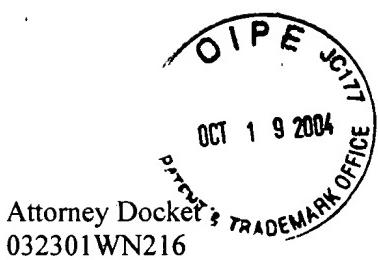
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print /Type)			
Signature	Date	October 19, 2004	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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P A T E N T

Attorney Docket No. **TRADEMARK OFFICE**
032301WN216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) **Confirmation No. 8953**
Brigitte Bathe, *et al.*)
App. No.: 09/942,935) Examiner: Kathleen Kerr
Filed: August 31, 2001) Group Art Unit: 1652

For: NUCLEOTIDE SEQUENCES CODING FOR THE sigM GENE

AMENDMENT SUBMITTED WITH RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A response to the Office Action dated July 1, 2004 was due by October 1, 2004.

An Amendment under 37 C.F.R. § 1.116 was filed on September 22, 2004. In response, an Advisory Action dated September 29, 2004 was issued indicating that the September 22, 2004 Amendment would not be entered. Hence, Applicants file this Amendment along with a Request for Continued Examination (RCE). A Petition for Extension of Time (one month, large entity) is enclosed, extending the response due date to November 1, 2004.

Please accept this Amendment and RCE as timely filed and fully responsive.

In response to the Office Action dated July 1, 2004, kindly amend the above-identified patent application as follows.